

CITY OF LYNN

Regular City Council Meeting – September 27, 2016 Council President Daniel F. Cahill, Presiding

Eleven Councillors Present
Moment of Silence
Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of September 13, 2016.
Motion carried.

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Ms. Michele Desmarais, 8 Calvin Road as Public Health Director for the Inspectional Services Department. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Cyr and seconded by Councilor Trahant to appoint Michele Desmarais, 8 Calvin Road as the Public Health Director for the Inspectional Services Department.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Brasal Auto Body and Repair, Louis Flores, for permission to add an Auto Body Shop to an existing Auto Repair and Flammable license at 37 Bennett Street. Hours of operation Monday through Saturday 8 am to 6 pm.

-Petition of National Grid, Chris Radzik, for permission to install approximately 100' of 2-4" concrete encased conduits from existing electric manhole MH3, to the property of 23 Central Avenue to service a newly renovated multi-residential building.

-Petition of National Grid and Verizon, for permission for National Grid to install 2 jointly owned poles beginning at a point approximately 0 feet Northwest of the centerline of the intersection and Boston Street and continuing approximately 160 feet in a Northwest direction. National Grid replacing jointly owned pole 15 and pole 16. National Grid to install new 3PH primary cable and secondary from pole 15 to pole 16 North Bend Street. There is existing secondary on this line. Applying for Aerial petition that allows 3 PH crossarm primary across street for span. New cable will be used for service of Lynnwood development (45 North Bend Street)

-Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Park Street and Bennett Circle, on Park Street. Location approximately shown on plan attached.

-Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of S. Common Street and Market Square, on S. Common Street. Location approximately shown on plan attached.

Motion made by Councilor Colucci and seconded by Councilor Capano to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

Motion made by Councilor Capano and seconded by Councilor Trahant to remove from the Table the Petition of Kings Auto Body and Repair, Noe Arnulfo Reyes, for permission to add Auto Body to existing Auto Repair and Flammable Shop at 37 Bennett Street.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Trahant to accept the Letter of Withdrawal Without Prejudice.

Motion carried.

Motion made by Councilor Walsh and seconded by Councilor Capano to remove from the Table the Petition of National Grid, Chris Radzik, for permission to install approximately 85' +/- of 2-5" PVC conduit (encased in concrete) from P#3 Marion Street to an existing manhole on Federal Street.

Motion made by Councilor Walsh and seconded by Councilor Capano to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill ABSTAINED).

Motion made by Councilor Capano and seconded by Councilor Chakoutis to remove from the Table the Petition of Lighttower, Ryan MacDonald, for permission to construct a fiber optic service lateral from National Grid Manhole 6-21 to 29 Market Square to provide internet service to the Lynn Community Health Services at 29 Market Square.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Cyr to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Capano and seconded by Councilor Chakoutis to remove from the Table the Petition of Lightower, Ryan MacDonald, for permission to construct a fiber optic service lateral from National Grid Manhole 4-21 to Utility Pole #6 on Baldwin Street, to provide continuity from manhole 4-21 to utility pole on Baldwin Street for internet service to Lynn Community Health Services at 269 Union Street.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Cyr to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Capano and seconded by Councilor Chakoutis to remove from the Table the Petition of Lightower, Ryan MacDonald, for permission to construct a fiber optic service lateral from National Grid Manhole #1 to 269 Union Street to provide internet service to the Lynn Community Health Services at 269 Union Street.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Cyr to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Capano and seconded by Councilor Chakoutis to remove from the Table the Petition of Lightower, Ryan MacDonald, for permission to construct a fiber optic service lateral from National Grid Manhole #2 on Central Avenue, westerly approximately 132' to 20 Central Avenue to provide new internet service to Lynn Community Health Services at 20 Central Square.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Cyr to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

COMMITTEE REPORTS

Report of the September 27, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Transfer the sum of Thirteen Thousand Nine Hundred Eighteen Dollars and Fifty Eight Cents (\$13,918.58) from Police Expense Account to Unpaid Bills of Prior Year.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Thirteen Thousand Nine Hundred Eighteen Dollars and Fifty Eight Cents (\$13,918.58) from Police Expense Account to Unpaid Bills of Prior Year.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of Seven Thousand Two Hundred Seventy Three Dollars and Ninety Cents (\$7,273.90) from ISD Various Expense Accounts to Unpaid Bills of Prior Year.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Seven Thousand Two Hundred Seventy Three Dollars and Ninety Cents (\$7,273.90) from ISD Various Expense Accounts to Unpaid Bills of Prior Year.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of One Thousand Five Hundred Thirty Nine Dollars and Ninety Three Cents (\$1,539.93) from Fire Expense to Unpaid Bills of Prior Year.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of One Thousand Five Hundred Thirty Nine Dollars and Ninety Three Cents (\$1,539.93) from Fire Expense to Unpaid Bills of Prior Year.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Ordered that the Department of Public Works be allowed to make expenditures for Snow and Ice Control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial Order that the Department of Public Works be allowed to make expenditures for Snow and Ice Control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Certify as an Available Fund the amount of Five Million Three Hundred Fifty Three Thousand Seven Hundred Sixty Seven Dollars and Zero Cents (\$5,353,767.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for the FY17 Title I Grant.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Five Million Three Hundred Fifty Three Thousand Seven Hundred Sixty Seven Dollars and Zero Cents (\$5,353,767.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for the FY17 Title I Grant.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Certify as an Available Fund the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for the FY17 McKinney-Vento Homeless Education Grant.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) as

allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for the FY17 McKinney-Vento Homeless Education Grant.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following ye and nay vote:

11 YES 0 NO

OPENING OF PROPOSAL FOR THE PURCHASE AND DEVELOPMENT OF NEPTUNE BOULEVARD PROPERTY:

The Committee received one proposal. The proposal was from the Lynn YMCA Metro North in the amount of \$1.00 and will provide site improvements directly affected by the construction of the new YMCA to include sidewalks, streets, street lights, and street signage (approximately \$300,000).

Motion made by Councilor Cyr and seconded by Councilor Barton to forward the only proposal received to the Mayor, Inspectional Services Department, Department of Public Works, Lynn Water and Sewer Commission, Chief Financial Officer, Comptroller, Solicitor's Office, Parking Department, Planning Board and Site Plan Review Board for their review and comments prior to next scheduled meeting on October 11, 2016.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councilor Net ABSTAINED).

REPORT ACCEPTED.

Report of the September 27, 2016 Committee on Public Safety and Public Health recommending the following to be accepted:

The following individuals were appointed Constables:

Gladynes Brevil, Randolph, MA - **Granted**

Mark Ianuzzi, Peabody, MA- **Granted**

Wilberto Mejias, Methuen, MA- **Granted**

REPORT ACCEPTED.

Report of the September 27, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Arias-Frias, Esmelin O., 48 Michigan Ave (Tabled) - **Granted**

Canga, Orel, 1086 Blue Hill Ave., Milton, MA - **DENIED**

Lopez-De Leon, Roniberto, 70 Rockaway St. #3- **Granted**

TAXI OPERATORS (60 DAY REVIEW)

Gutierrez, Diogenes, 29 Atkins Ave (Tabled) - **DENIED**

EXTENDED HOURS (NEW)- PUBLIC HEARING

Taco Bell-124 Boston Street

Attorney Lamanna stated that there was a clerical error and notices were sent out stating this was a Public Hearing. He stated that the Committee was going to treat it as a neighborhood meeting and that the Public Hearing was scheduled on October 11, 2016. Michael Rose from Taco Bell gave an overview of the proposed Taco site asking for extended hours. Jack Griffin, James Ferragamo and a show of 18 hands in opposition were present.

SIGN LICENSE - RENEWAL

155 Central Ave., Jas Nutri Fit- **Granted**

157 Central Ave., Jimenez Botanical- **Granted**

159 Central Ave., C & M Bistro- **Granted**

163 Central Ave., Juprey Salon- **Granted**

306 Essex St., Barretts Bull Pen- **Granted**

592 Essex St., Dreams Nails Launch- **Granted**

598 Essex St., Canon's Place- **Granted**

602 Essex St., Tropical Enterprises- **Granted**

608 Essex St., McKinnon Printing- **Granted**

15 Sutton St., Law Office Thomas D. Haggard- **Granted**

19 Sutton St., Nike African Food Market- **Granted**

193 Union St., B & V Jewelry- **Granted**

SECOND HAND ARTICLE - NEW

875 Western Ave., Mass-Telepage (prev tabled) - **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

1071 Western Ave. – Affordable Auto Repair- **Granted with the Stipulations**

FLAMMABLE LICENSE – NEW

599 Lynnway – O'Reilly Auto Parts #5532- **Granted**

FLAMMABLE LICENSE – RENEWAL

525 Lynnway – ESE Energy dba Gulf Express (formally Spiros Energy) - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Chairman Walsh stated that he spoke to Councilor Colucci regarding a neighborhood issue he was having with a constituent who owns VIP Auto Repair, 371 Summer Street. This constituent is parking vehicles at his residence and selling them. Motion to request the owner of VIP to appear at the next Licensing Committee.

REPORT ACCEPTED.

Report of the September 27, 2016 Committee on Public Property and Parks recommending the following to be accepted:

1. Request to purchase city-owned property at 21R Michigan Avenue.- **Motion made by Councilor Cyr and seconded by Councilor Barton not to put out to bid.**
 2. **OTHER BUSINESS**
- REPORT ACCEPTED.**

NEW BUSINESS:

Discussion regarding RFP for Medical Marijuana Facilities:

Council President Cahill passed the gavel to Councilor Cyr.
Motion made by Councilor Cahill and seconded by Councilor Colucci Ordering that the City Solicitor's Office present a draft Request for Proposals relative to Medical Marijuana Facilities in the City of Lynn for discussion and approval at the next City Council Meeting.

Councilor Cyr attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the City Solicitor's Office present a draft Request for Proposals relative to Medical Marijuana Facilities in the City of Lynn for discussion and approval at the next City Council Meeting. THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Lozzi and seconded by Councilor Barton designating the NDA the official Receiver for foreclosed properties in the City of Lynn.

Councilor Lozzi attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order designating the NDA the official Receiver for foreclosed properties in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Colucci and seconded by Councillor Barton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK